

## **CITY COUNCIL RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING VESTING TENTATIVE SUBDIVISION MAP NO. 8506 TO ALLOW THE SUBDIVISION OF AN APPROXIMATELY 137 ACRE SITE INTO 252 SINGLE-FAMILY RESIDENTIAL PARCELS, AN 11.35-ACRE SCHOOL SITE (OR AN ADDITIONAL 63-LOT SINGLE-FAMILY RESIDENTIAL OVERLAY), TWO PARK PARCELS, TWO PARCELS FOR BIO-RETENTION, PARCELS FOR REGIONAL COMMERCIAL, AND OPEN SPACE AREAS, LOCATED GENERALLY WEST OF THE SAND CREEK ROAD AND THE STATE ROUTE 4 INTERCHANGE (APNs 019-082-007 and 019-110-076).**

**WHEREAS**, Discovery Builders, Inc., (the “Permittee”) submitted an application to the City of Brentwood requesting approval of a vesting tentative subdivision map (VTSM 8506) to subdivide approximately 137 acres into 252 single-family residential parcels, an 11.35-acre school site (or an additional 63-lot single-family residential overlay), two park parcels, two bio-retention areas for stormwater treatment, one multi-family parcel, acreage for regional commercial, and open space, as well as related improvements; and

**WHEREAS**, the Permittee also submitted a request for a development agreement (DA 19-001), a General Plan amendment (GPA 17-001), a rezone (RZ 17-004), a design review for the single-family parcels (DR 17-007), and a design review for the multi-family apartments (DR 17-008) (collectively, along with VTSM 8506, the “Original Project”); and

**WHEREAS**, the Project is proposed to be located on a roughly 137 acre site bounded by Old Sand Creek Road to the north, State Route 4 to the east, a single-family residential development (Brentwood Hills) to the south, and the edge of the Brentwood Planning Area and the City of Antioch’s city limits to the west, with a small segment of existing San Jose Avenue bounding the site at its farthest southeastern corner (the “Project Site”); and

**WHEREAS**, the City referred the Original Project to various departments and agencies for review and recommendations; and

**WHEREAS**, the Planning Commission was scheduled to hold a public hearing on the Original Project at its regular meeting of August 18, 2020. However, that day, the California Independent System Operator declared a Stage 2 Emergency and issued notice that a power outage may be necessary beginning at 7:00 p.m. that night in Brentwood. These events led to the applicant and the City jointly requesting a continuance of the hearing, and the Planning Commission voted to continue the public hearing to its meeting of September 1, 2020; and

**WHEREAS**, the Planning Commission held a public hearing on the Original Project at its regular meeting of September 1, 2020, and voted to recommend that the City Council not approve the Original Project, including Vesting Tentative Subdivision Map No. 8506; and

**WHEREAS**, the City Council was scheduled to hold a public hearing at a special meeting to consider the Original Project on September 15, 2020, but on that day, the Permittee requested that consideration of the Original Project be taken off calendar, and instead be heard by the City Council on February 9, 2021; and

**WHEREAS**, prior to the City Council’s scheduled hearing on the Original Project, the Permittee modified its application by:

1. Revising its request for approval of GPA 17-001, by withdrawing its previous request to change the land use designation of a roughly 14-acre parcel to allow for the development of multi-family uses;
2. Revising its request for approval of RZ 17-004, by withdrawing its previous request to rezone a portion of the Original Project site to allow for multi-family uses;
3. Revising its request for approval of DA 19-001 by removing previous references to multi-family uses;
4. Revising its request for approval of VTSM 8506 by removing a roughly 14 acre portion of the Original Project site from the map, and instead labeling that area as a 'Remainder Parcel;' and
5. Withdrawing its request for approval of DR 17-008; and

**WHEREAS**, collectively, with the modifications noted above, DA 19-001, GPA 17-001, RZ 17-004, VTSM 8506, and DR 17-007 now constitute the "Project," and

**WHEREAS**, as a result of the Project modifications noted above, the City and the Permittee agreed to move the City Council hearing previously scheduled for February 9, 2021, to March 9, 2021, in order to process the modifications; and

**WHEREAS**, the City distributed a Notice of Public Hearing for the Project to all property owners of record within 300 feet of the Project Site and published it in the Brentwood Press on February 26, 2021, and the Permittee posted the Site with the required signage in accordance with City policies and Government Code Section 65090; and

**WHEREAS**, the City Council held a public hearing its regular meeting of March 9, 2021, to consider the Project, including this vesting tentative subdivision map application and considered the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project and studied the compatibility of this request with adjacent land uses; and

**WHEREAS**, the City prepared a Final Environment Impact Report (FEIR), including an Initial Study, and Mitigation Monitoring and Reporting Plan for the Original Project in accordance with the California Environmental Quality Act ("CEQA," codified at Public Resources Code Section 15000, *et seq.*, and as further governed by the State CEQA Guidelines, found at 14 CCR 21000, *et seq.*) and determined that no revisions to the FEIR were necessary to consider or approve the Project; and

**WHEREAS**, at its March 9, 2021, meeting, the City Council made a determination that the FEIR adequately identified and studied the Project's impacts, certified the FEIR, and adopted Findings of Facts and a Statement of Overriding Considerations and a Mitigating Monitoring and Report Plan through adoption of Resolution No. 21-\_\_\_\_\_.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Brentwood:

- A. Based on the project materials, the staff report and all attachments, written and oral testimony and comments and all other information presented, hereby finds that with respect to Brentwood Municipal Code Section 16.050.040.B and Government Code section 66474 :

1. *That the proposed map is consistent with the community development plan and any applicable specific plans.*

The proposed vesting tentative subdivision map is consistent with the City's General Plan in that the number of lots shown on the map (252 with the potential school; 315 without) will result in development at a density range of either 3.7 du/a with the potential school or 4.64 du/a without, either of which are permitted in the site's Residential-Low Density land use designation, which allows development at densities of 1.1-5.0 dwelling units per gross acre, with 3.0 du/a being the acceptable mid-range. To the extent these densities exceed the mid-range, the General Plan allows such exceedances when a project includes significant improvements of community-wide benefit. Here, the Project would include significant community benefits, as set out in the Development Agreement (DA 19-01) proposed with the Project, which the City Council approved through adoption of an ordinance.

2. *That the design or improvement of the proposed subdivision is consistent with the community development plan and any applicable specific plans.*

The Project Site is not currently within any adopted or proposed specific plan area. The design and improvement of the proposed subdivision is consistent with General Plan, including through consistency with:

- a. Policy CIR 3-3 ("Design developments to include features that encourage walking, bicycling, and transit use. Design features shall include bus turnouts, transit shelters and benches, and pedestrian access points between subdivisions and between adjacent related land uses.") in that it includes extension of both the Black Gold Trail and Sand Creek Trail, pedestrian access points from the Black Gold Trail into the single-family neighborhood, and a trail connection from the Project Site to developments east of State Route 4 that will facilitate pedestrian and bicycle uses.
- b. Policy LU 6-3 ("Residential neighborhoods should be well-defined with park and recreation facilities, schools, open space, and neighborhood commercial land uses that incorporate unifying landscape and architectural themes and provide visible functional centers.") inasmuch as the proposed Project includes two neighborhood parks of roughly four acres in total, over 28 acres of open space, an 11 acre site that may be developed with a school, and nearly 20 acres of commercial land.
- c. Finally, the project complies with other elements of the General Plan as described in finding A(1) above.

3. *That the site is physically suitable for the type of development.*

The site is physically suitable for the type of development proposed by VTSM 8506 inasmuch as the discharge of waste from the proposed subdivision will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board because the Permittee will be required to make the necessary improvements to tie in to the City's stormwater and sewer facilities, as well as treat all stormwater runoff, and the design of the subdivision and the associated improvements is not likely to cause serious public health problems due to the fact that this project will be required to construct all of the necessary improvements needed to ensure a safe and healthy development, including all Federal, State, and local regulations.

4. *That the site is physically suitable for the proposed density of development.*

The site is physically suitable for the density of development proposed, in that it complies with the density specified in the General Plan's Residential-Low Density land use designation, as set forth in Finding A(1) above, as well as with the development standards proposed for the Planned Development No. 36 (PD-36) Zone (and approved by the City Council through adoption of an ordinance); and development of the site is consistent with other single-family within the City.

5. *That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat unless an Environmental Impact Report was prepared with respect to the project and a finding was made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.*

The design of the subdivision and the associated improvements have been analyzed for their impacts on the environment through the preparation of a Final Environmental Impact Report (FEIR), which the City Council has certified, through adoption of a resolution, and for which the City Council has adopted Findings of Fact and a Statement of Overriding Considerations, which includes a findings that specific economic, social, or other considerations make infeasible any other mitigation measures or project alternatives identified in the FEIR. These findings are incorporated herein.

6. *That the design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems due to the fact that this Project includes proposed improvements necessary to provide a safe and healthy development, including adequate wastewater and potable water infrastructure, streets that meet the City's specifications, street lighting, and compliance with Federal, State, and local regulations designed to protect public health.

7. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The design of the subdivision and the associated improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed subdivision as alternative access, utility, and irrigation facilities will be constructed enabling continued service to properties serviced by existing easements and trails will be provided within the Project that will connect to existing trails within the City of Brentwood.

- B. Hereby approves Vesting Tentative Subdivision Map No. 8506 subject to the conditions of approval listed in Exhibit "A," attached hereto and made a part of this resolution, and all City standards applicable to this project. This approval shall be effective upon the effective date of the ordinances approving RZ 17-004 and DA 19-001.

**ADOPTED** by the City Council of the City of Brentwood at its regular meeting of March 9, 2021, by the following vote:

**EXHIBIT “A” TO  
CITY COUNCIL RESOLUTION  
CONDITIONS OF APPROVAL FOR  
VESTING TENTATIVE SUBDIVISION MAP NO. 8506**

1. The Permittee and Permittee, including all successors in interest (collectively, “Permittee”) shall comply with each and every condition set forth in the Permit. Vesting Tentative Subdivision Map No. 8506 (the “Permit”) shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed. The Permittee shall develop the site in accordance with the approved attachments and as modified by these Conditions of Approval.
2. All applicable Standard Conditions of Approval for Tentative Subdivision Maps, dated May 2005, are hereby incorporated by reference and shall be complied with by the Permittee, unless modified by any of the conditions below.
3. The final map shall be substantially in conformance with Vesting Tentative Subdivision Map No. 8506 prepared by Isakson & Assoc. Inc. “Received January 29, 2021” unless otherwise amended by the conditions of approval contained herein.
4. The approval of Vesting Tentative Subdivision Map No. 8506 is effective only after City Council approval of Development Agreement No. 19-001, General Plan Amendment No. 17-001, and Rezone No. 17-004 and the Final Environmental Impact Report and Mitigation Monitoring and Reporting Plan prepared in support of the project.
5. The Permittee shall indemnify, defend with counsel of the City’s reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the “Indemnified Parties”) from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City’s approval of the project approved herein, including adoption of DA 19-001, GPA 17-001, RZ 17-004, VTSM 8506, and DR 17-007, and any environmental determination made with regard thereto, save and except to the extent caused solely by the City’s sole or active negligence, or willful misconduct. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys’ fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City’s reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to VTSM 8506, and the remainder of this obligation shall be unaffected by said Government Code section.
6. The final map shall adhere to all development standards adopted in conjunction with Rezone No. 17-004.
7. The design for all soundwalls identified in the acoustical analysis for this project shall be submitted to the Community Development Director for review and approval and shall

incorporate a split face hand-laid block design with a cap, and columns with a cap approximately every 50 feet. The soundwall design shall be approved prior to issuance of improvement plans for the project. Construction Plans shall incorporate these walls along Sand Creek Road, San Jose Avenue, and State Route 4. All walls shall comply with City-approved acoustic analysis. Plans for said walls shall include clear delineation of maintenance responsibilities of all wall sections.

8. Permittee shall dedicate the park parcels and open space parcels to the City in fee. Maintenance of these properties shall be included in the Lighting and Landscaping District for this Project.
9. The project shall dedicate to the City of Brentwood in fee title Parcels "J" and "T" for public park purposes and construct landscaping and park improvements to the satisfaction of the City Engineer and Director of Parks and Recreation. Park improvements shall be designed to include amenities consistent with the Neighborhood Park definition in the current Parks, Trails and Recreation Master Plan and will be reimbursed according to the provisions of the Development Fee Program. Pursuant to the requirements of BMC Section 2.46.020G, prior to submittal of the landscape construction plans for the parks, the Permittee shall submit Conceptual Park Plans showing the proposed design, amenities and programming of the parks for review and approval by the Parks and Recreation Commission.
10. The project shall dedicate to the City of Brentwood in fee title Parcel "B" with sufficient width (minimum 50' from top of bank on both sides of the creek) for trail corridor purposes and shall construct an all-weather pervious 10' wide asphalt trail (Sand Creek Trail) from the eastern boundary of the project, across Parcels "B" and "G" to the western boundary of the project prior to the issuance of the 126<sup>th</sup> building permit to the satisfaction of the Director of Parks and Recreation. Parcel "B" shall encompass the entirety of creek setback area required by the East Contra Costa County Habitat Conservancy. The project shall also construct open space landscaping and trail amenity improvements to the satisfaction of the Director of Parks and Recreation prior to the issuance of the 126<sup>th</sup> building permit. Trail and landscape fee credit will be provided for these improvements per the City's Development Fee Program.
11. The project shall dedicate to the City of Brentwood in fee title Parcel "N" for open space purposes.
12. The project shall dedicate to the City of Brentwood in fee title Parcel "G" for open space and trail purposes and construct a 10' wide asphalt multi-use trail on Parcel "G" from the southern boundary of the project at the existing terminus of Black Gold Trail to the extension of Sand Creek Road or a portion of the Sand Creek Trail constructed with this project prior to issuance of the 200<sup>th</sup> building permit to the satisfaction of the Director of Parks and Recreation. The trail shall include two pass-through connection points to Heatherwood Drive, one at the southern end of Heatherwood Drive in the vicinity of Lots 133-140 and one in the vicinity of Park Parcel "T", both of which shall be a total width of 30 feet, including the ten-foot wide asphalt trail. The project will also construct open space landscaping and trail amenity improvements to the satisfaction of the Director of Parks and Recreation prior to the issuance of the 200<sup>th</sup> building permit. Trail and landscape fee credit will be provided for these improvements per the City's Development Fee Program.
13. The Permittee shall construct a split face masonry block wall with the same design as approved for the soundwalls with a minimum height of 7 feet adjacent to all City owned

park or landscape areas unless approved otherwise by the City Engineer and the Director of Parks and Recreation.

14. The Permittee shall submit all landscape plans for the review and approval of the Director of Parks and Recreation for street frontage landscaping, stormwater treatment areas, front yard landscape areas, and parks and trails prior to approval of improvement plans for the project. All trees shall be selected and planted as per the City's Urban Forest Guidelines. The landscaping improvements for the park parcels, trail improvements, and stormwater basins shall be constructed and improved prior to issuance of the 126th building permit including model homes or any permit adjacent to these parcels to the satisfaction of the Director of Parks and Recreation.
15. All improvements shall be designed and constructed; all permits issued; all fees paid; and all securities submitted pursuant to applicable Federal and state laws, the Subdivision Map Act, the Brentwood Municipal Code, the City Engineering Department's Standard Plans and Specifications, and the City Engineering Department's Engineering Procedures Manual.
16. Permittee and all project plans and maps shall comply with Brentwood Municipal Code Title 8 "Health and Safety," Title 9 "Public Peace and Welfare," Title 12 "Streets, Sidewalks and Public Places," Title 13 "Sewers," Title 14 "Water," Title 15 "Building and Construction," and Title 16 "Subdivision and Land Development." In particular:
  - a. Solid waste service shall comply with Brentwood Municipal Code Chapter 8.16 "Solid Waste."
  - b. Construction and demolition work shall comply with Brentwood Municipal Code Chapter 8.40 "Construction and Demolition Debris Recycling."
  - c. Permittee shall comply with Brentwood Municipal Code Chapter 9.32 "Noise Regulations."
  - d. Permittee shall dedicate and improve any thoroughfare and/or collector street pursuant to Brentwood Municipal Code Chapter 12.04 "Street Widths."
  - e. Permittee shall comply with the encroachment permit requirements pursuant to Brentwood Municipal Code Chapter 12.08 "Street Encroachments."
  - f. Sewer backflow prevention, interceptors, and other health and safety requirements shall be incorporated into the project pursuant to Brentwood Municipal Code Chapter 13.04 "Sewer System – Rules and Regulations."
  - g. Brine-discharging self-regenerating water softener systems are prohibited pursuant to Brentwood Municipal Code Section 13.04.022.B.
  - h. Recycled water services shall comply with Brentwood Municipal Code Chapter 13.06 "Recycled Water Regulations."
  - i. Water service shall comply with Brentwood Municipal Code Chapters 14.01 "Municipal Water System" and Chapter 14.10 "Cross-Connection Control." In addition and to comply with both health and safety requirements as well as the



City's Engineering Design Standards, all projects serving more than 25 units shall design and construct at least two independent points of potable water supply to the Project.

- j. Contractors requiring construction water shall obtain a temporary water permit and shall only take water metered at a location specified by the City Engineer pursuant to Brentwood Municipal Code Section 14.01.340 "Contractors."
- k. Permittee shall comply with the Federal Clean Water Act, the Municipal Regional NPDES Permit, and Brentwood Municipal Code Chapter 14.20 "Stormwater Management and Discharge Control."
- l. Adequate fire access and aerial apparatus access shall comply with the requirements of the Fire District and Brentwood Municipal Code Chapter 15.06 "Fire Code."
- m. Special flood hazard areas shall comply with the requirements of Brentwood Municipal Code Chapter 15.07 "Flood Plain Management."
- n. Grading shall comply with Brentwood Municipal Code Chapter 15.52 "Grading, Erosion and Sediment Control."
- o. All grading and noise generating activities shall be limited to the days and hours defined in Brentwood Municipal Code Section 15.52.060 "Grading Regulations."
- p. Permittee and Permittee shall indemnify the City pursuant to Brentwood Municipal Code Section 15.52.160 "City Held Harmless."
- q. Pursuant to Brentwood Municipal Code Section 16.070.030.B, Final Map certification and approval shall not proceed until the Improvement Plans (onsite and offsite) have been submitted and reviewed by and approved by the City Engineer.
- r. Permittee shall obtain all required permits including, but are not limited to: buildings; sewer connections; encroachment; grading; use; business license; water connection; Army Corps of Engineers; Contra Costa County Flood Control; California Department of Fish and Wildlife pursuant to Brentwood Municipal Code Section 16.120.050 "Procedures."
- s. All storm drain, sewer, water and street systems shall be designed and sized to accommodate such additional flows, volumes or loads as may be contributed by the most intensive developed land use of the lands adjacent to or beyond the limits of the subdivision pursuant to Brentwood Municipal Code Section 16.120.080.
- t. All public facilities shall be constructed and any existing deficiencies shall be corrected. This includes both required on- and off-site public facilities and any deficiencies on-site, abutting the parcel or parcels involved or required off-site to provide service to the proposed development or for the continued safety, health and well-being of the public upon completion of the development pursuant to Brentwood Municipal Code Section 16.120.090 "Public Facilities Installation."

- u. Utilities shall be installed underground pursuant to Brentwood Municipal Code Section 16.120.120 "Undergrounding – Electric, Communication, Street Lighting and Advanced Technology Systems."
  - v. Permittee shall make all land dedications pursuant to Brentwood Municipal Code Sections 16.140 and 16.150.
17. Prior to issuance of an encroachment permit or approval of Improvement Plans, the following conditions shall apply:
- a. Construction Plans shall include all improvements in conformance with the latest Infrastructure Master Plans (i.e. Sewer, Water, etc.) and as directed by the City Engineer. Said improvements include a Zone 2 water main in Sand Creek Road from State Route 4 to the westerly City limit line, a Zone 2 water main in San Jose Avenue, and a Zone 1 water main in Sand Creek Road from State Route 4 to the existing Zone 1 main in the westerly portion of the Project.
  - b. Construction Plans shall include all utilities, including, but not limited to, meters, hydrants, poles, signs, clean-outs, boxes, etc. to be located clear of all trails, sidewalks and driveways or as determined by the City Engineer.
  - c. Construction Plans shall include all utilities, especially over bridges, with seismic considerations to the satisfaction of the City Engineer.
  - d. Construction Plans shall include non-potable hydrants in addition to potable fire hydrants along Sand Creek Road subject to the review and approval by the Fire District and City Engineer.
  - e. Construction Plans shall include a Composite Site Exhibit showing the location of all existing and proposed utilities, utility boxes, landscaping, monuments, street improvements, lights, signs, driveways, house envelopes, fencing, grading contours, walls, easements, property lines, and other improvements as required at a sufficient scale to allow a comprehensive review of proposed improvements.
  - f. Construction Plans shall note that all gravity utilities (i.e. storm drain, sewer, etc.) to always commence at the downstream connection and proceed to the upstream terminus.
  - g. Construction plans shall demonstrate that all gravity utilities (i.e. storm drain, sewer, etc.) shall be designed to positively and completely drain by gravity without relying on any electro-mechanical means (i.e. pumps).
  - h. Construction Plans shall include cathodic protection measures for all buried metallic infrastructure pursuant to City Standards or as approved by the City Engineer.
  - i. Construction Plans shall include City approved storm markers for all existing and proposed storm drain inlets to the satisfaction of the City Engineer.
  - j. Permittee shall obtain approval from the City Engineer on the Project Operation and Maintenance Manual for all stormwater control systems. Said Manual shall

comply with all applicable Municipal Regional NPDES Permit requirements including, but not limited to, maintenance, sediment removal, weed and trash abatement, use of chemicals, etc.

- k. Construction Plans shall include adequate root barriers to protect all City facilities, including sidewalks, utilities, meters, ramps, driveways, etc.
- l. Construction Plans shall include the protection of all existing survey monuments on or adjacent to the project based on a field survey by a licensed California Professional Land Surveyor.
- m. Construction Plans shall include a Traffic Control Plan in conformance with the latest edition of the Manual of Uniform Traffic Control Devices issued by Caltrans and as required by the City Engineer.
- n. Construction Plans shall include Emergency Vehicle Access areas to comply with the requirements of the Fire District, and that ingress and egress is provided to all neighboring properties during construction.
- o. Construction Plans shall incorporate roadways with adequate sight distance pursuant to City and Caltrans design requirements. All landscape areas required to have restrictions to comply with sight distance requirements shall be shown on all applicable Construction and Plot Plans.
- p. Construction Plans shall incorporate right-of-ways for all-weather vehicular access from a public road to all proposed and existing public storm drain, sewer, water, and non-potable water mains, appurtenances, and easements subject to approval of the City Engineer.
- q. Construction Plans shall show utility mains to be located within road right-of-ways instead of through parcels subject to the approval of the City Engineer.
- r. Construction Plans shall incorporate nonpotable water mains and services to the westerly City limit boundary line within Sand Creek Road, within San Jose Avenue, to future nonresidential parcels, and to all parks. Said mains shall be a minimum size of 12" in Sand Creek and 8" elsewhere.
- s. Construction Plans shall incorporate speed tables or other vehicular speed and safety control measures within proposed streets to the satisfaction of the City Engineer.
- t. Construction Plans shall incorporate missing sidewalk improvements along the northerly portion of San Jose Avenue from the existing sidewalk terminus near State Route 4 to Saint Regis Avenue.
- u. Construction Plans shall incorporate safety fencing with vehicular access gates around proposed open space and stormwater parcels.
- v. Pursuant to Brentwood Municipal Code 16.120.080.C, the Construction Plans shall incorporate the design of the ultimate width improvements of Sand Creek Road (transitioning from a 6- to 4-lane arterial roadway from the existing terminus of

Sand Creek Road to San Jose Avenue, and a 4-lane roadway from San Jose Avenue to the westerly Project boundary) with all required traffic signals, utilities, utility stubs, sidewalks, landscaping, landscaped median, striping, signs, bridge, etc. to the satisfaction of the City Engineer. The bridge over Sand Creek shall include decorative elements on the railing or parapet. A portion of these improvements may be fee-creditable or reimbursable first through any applicable reimbursements from East Contra Costa Regional Fee & Financing. Remaining portions are fee-creditable or reimbursable per the City's Development Fee Program.

- w. Pursuant to Brentwood Municipal Code 16.120.080C to accommodate a future school development, the Construction Plans shall incorporate San Jose Avenue from Sand Creek Road to Saint Regis Avenue with two 12'-wide travel lanes, two protected 5'-wide bike lanes, two 8'-wide parking, and a 16'-wide median/left turn lane. The median landscaping shall be designed to encourage pedestrians to cross San Jose Avenue at controlled intersections. The northeasterly right-of-way of San Jose Avenue from Saint Regis Avenue to proposed Chestnut Oak Drive shall be wide enough to accommodate a minimum 10'-wide sidewalk and 5'-wide landscaping. Construction Plans shall include all utility stubs to be properly sized and located to serve the future school site. Construction Plans shall include pedestrian-activated crossing signals or other traffic safety measures at uncontrolled intersections adjacent to the school site to the satisfaction of the City Engineer. To the extent the proposed school site parcel is in the process of, but has not been acquired by the Brentwood Union School District, Permittee and City shall work in good faith on the design and construction of interim San Jose improvements to the satisfaction of the City Engineer.
  - x. Construction Plans for all bridges shall comply with Brentwood Municipal Code 15.07 Flood Plain Management. All bridges shall include sloped concrete protection of abutments under the bridge or other similar improvements to protect bridge foundations from flood and other sources of potential damage subject to the approval of the City Engineer.
18. Prior to issuance of a grading permit, the following conditions shall apply:
- a. The height and location of all existing and proposed retaining walls shall be shown on the Grading Plans. Retaining walls over three feet in height shall be structurally engineered, and shall require separate building permits. All retaining walls shall include adequate subdrains to the satisfaction of the City Engineer.
  - b. Construction Plans shall demonstrate that there is adequate overland drainage release to an adequate public drainage facility to the satisfaction of the City Engineer. Permittee shall acquire drainage easements, if necessary.
  - c. Grading Plans shall include a sufficient number of cross-sections adjacent to creeks, floodplains, stormwater treatment basins, and wetland areas showing the proximity of these features to proposed grading and building foundations with the approval of the geotechnical engineer and the satisfaction of the City Engineer.
  - d. Grading Plans shall clearly identify the location of all wetlands, creeks, creek setbacks, trees (both to be removed and to be protected), etc.

- e. Pursuant to Brentwood Municipal Code 15.070.320, Grading Plans shall identify any special flood hazard area and the elevation of the base flood.
  - f. Permittee shall secure all required regulatory permits and construct all required drainage facilities, including all storm drain outfalls into creeks. This requirement shall apply along the length of both banks of onsite creeks for the future development of lands adjacent to or beyond the limits of the Project pursuant to Brentwood Municipal Code 16.120.080C.
  - g. Permittee shall provide hydrology and hydraulic calculations signed by a licensed engineer demonstrating that the Project will adequately collect and convey all runoff within the Project as well as the entire developed watershed upstream of the Project pursuant to Brentwood Municipal Code 16.120.080C for City review and approval. The analysis shall include conveyance capacity of both the existing in-tract creek as well as the downstream drainage system, including the Lower Sand Creek Basin. Permittee shall consult with the Contra Costa County Flood District for technical review of the regional drainage impacts. At minimum, said calculations shall include the following:
    - i. The analysis shall assume that Lower Sand Creek Basin may not be completed to serve the Project.
    - ii. The analysis shall calculate peak flows using the same methodology per the Contra Costa County Flood District guidelines.
    - iii. The analysis should include riprap sizing calculations for any proposed riprap at the proposed outfalls in Sand Creek to mitigate erosion.
    - iv. Bioretention section of the basins shall not be included in any calculations related to mitigating peak flows.
  - h. Permittee shall comply with Brentwood Municipal Code Section 17.680.021(B) related to well abandonment development requirements.
  - i. Construction Plans shall include pedestrian and all-weather vehicular public access along the entire length of both banks of onsite creeks pursuant to Brentwood Municipal Code Section 16.140.070.
19. Prior to approving the Final or Parcel Map, the following conditions shall apply:
- a. Final Maps and Parcel Maps shall comply with the current Subdivision Map Act.
  - b. The Project shall annex into the most current City Community Facilities District (currently CFD #5), and form or annex into a street lighting and landscape assessment district, or update the current LLAD 02-3 to reflect the current Project, or provide and execute an alternative funding mechanism acceptable to the City for the maintenance of City improvements.

- c. Per the requirements of the Development Agreement between the City and the Permittee, the Project shall annex into the most current Fire Community Facilities District initiated by the East Contra Costa Fire Protection District.
- d. Permittee shall provide for an adequate private funding mechanism for the perpetual maintenance of all stormwater NPDES treatment areas and other similar clean water facilities to the satisfaction of the City Engineer. Permittee shall dedicate parcels with said facilities to a Homeowners Association or similar private entity.
- e. Final Maps shall show approved street names by the Fire District and Community Development Department. All public streets shall be irrevocably offered for dedication.
- f. Permittee shall comply with all City and Fire District requirements related to weed abatement, including providing temporary access easements to maintain fuel breaks, or other demonstrable means of complying with applicable weed abatement requirements.
- g. All applicable City fees shall be paid including, but not limited to, the Agricultural Mitigation Fee, the Contra Costa Flood Control and Water Conservation District Fee, etc.
- h. Final Maps shall show relinquishment of abutter's rights of access adjacent to all accessible ramp locations, Sand Creek Road, San Jose Avenue, and State Route 4.
- i. For all common interest developments, Permittee shall submit a copy of the draft Covenants, Conditions and Restrictions for City review.
- j. Permittee shall comply with Brentwood Municipal Code Section 17.680.021(B) related to well abandonment Final Map requirements.
- k. Permittee shall provide access easements along both banks of any onsite creeks pursuant to Brentwood Municipal Code Section 16.140.070 and Subdivision Map Act Section 66478.6.
- l. Permittee shall exchange any required right-of-way for Sand Creek Road with the City-owned Pestana Property (APN 019-110-051), San Jose Avenue right-of-way within the Project boundary, City-owned remnant State Route 4 right-of-way along the easterly portion of the Project boundary, and Old Sand Creek Road right-of-way (Old Sand Creek Road right-of-way shall be abandoned when Permittee secures and records alternative means of access to all properties impacted by the abandonment of said right-of-way). The exchange shall be on a one-to-one ratio by area, and any additional required right-of-way shall be fee-creditable per the City's Development Fee Program.
- m. Permittee shall dedicate the park parcels and open space parcels to the City in fee. Maintenance of these properties shall be the responsibility of the Lighting and Landscaping Assessment District for this Project.

20. Prior to issuance of any Building Permits, the following conditions shall apply:
- a. All on-site improvements shall be constructed prior to the issuance of any building permit in each phase (excluding model homes). The improvements shall include, but is not limited to pavement, curb, gutter, sidewalk, street lights, utilities, walls, etc., to the satisfaction of the City Engineer. Said improvements include the extension of San Jose Avenue, the extension of Sand Creek Road to San Jose Avenue, installation of all underground traffic signal improvements at the Sand Creek/San Jose intersection, and sidewalk improvements along existing San Jose Avenue.
  - b. Permittee shall provide an approval signed and sealed by a geotechnical or structural engineer of the location, nature and proximity of stormwater features near or adjacent to buildings as determined by the City Engineer. Locations and design of any mitigating structural design feature (i.e. foundations, etc.) shall be shown on the appropriate construction plans.
  - c. Permittee shall provide an approval signed and sealed by a geotechnical or structural engineer that there is adequate clearance between building foundations and creeks.
  - d. Permittee shall pay all Development Impact Fees pursuant to the latest City of Brentwood Development Impact Fee Program.
  - e. Permittee shall demonstrate compliance with Brentwood Municipal Code Section 15.07 related to flood plains.
  - f. Permittee shall comply with Brentwood Municipal Code Section 17.680.021(B) related to well abandonment building permit requirements. The recorded deed restriction for applicable lots shall be provided to the City prior to issuance of applicable building permits.
  - g. Permittee shall provide documents signed by a licensed engineer on building pad elevation, compaction, and appropriate remediation from unsuitable soils.
  - h. Permittee shall demonstrate that all acoustic mitigations have been incorporated into applicable plans.
21. Prior to issuance of the 150<sup>th</sup> building permit, the Sand Creek Road extension to the westerly City limit boundary including completion of the traffic signal at Sand Creek Road and San Jose Avenue shall be substantially completed to the satisfaction of the Director of Public Works.
22. The Permittee shall submit for review and approval of the Community Development Director an enhanced paving plan showing colorized stamped concrete, asphalt, or similar at the main ingress/egress points to the single-family residential lots along Sand Creek Road and the extension of San Jose Avenue, which location shall be shown on the improvement plans.
23. Prior to recordation of a final map, the Permittee shall comply with the policies established in support of Goal 2 (COS 2) of the General Plan Conservation and Open Space element

and the Agricultural Preservation Program (Chapter 17.730) of the Brentwood Municipal Code in order to mitigate the potential significant impact of the proposed project on the loss of farmland. The Permittee shall pay the current agricultural conservation fee in effect at the time of final map recordation to provide funds for the City to purchase conservation easements to mitigate the loss of farmland.

24. The Permittee shall submit a worksheet containing the lot sizes, fee per lot, subtotal and total fee required, as well as the lot closure calculations to the Contra Costa County Flood Control & Water Conservation District for its review. Additionally, the Permittee shall include a worksheet containing calculations of all other impervious surfaces within the project area.
25. Per the requirements of the Development Agreement between the City and the Permittee (DA 19-001), prior to final map approval, Permittee shall enter into an affordable housing agreement with the City of Brentwood to pay in-lieu fees for the Project's affordable housing requirements in accordance with Chapter 17.725 of the Brentwood Municipal Code.
26. The Permittee shall comply with the Public Art Program as approved by the City by paying the in-lieu fees consistent with Brentwood Municipal Code Chapter 2.44.
27. The Permittee shall pay any parks and trails fee due and in effect at the time of the issuance of each building permit to the satisfaction of the Director of Parks and Recreation and Community Development Director. The on-site parkland and park improvements dedicated by Permittee to the City shall be fee creditable as per the City's development fee program.
28. Prior to each building permit issuance, the Permittee shall submit to the Community Development Department written proof from the Liberty Union High School District and the Brentwood Union School District indicating that appropriate school mitigation fees have been paid.
29. Prior to each building permit issuance, the Permittee shall comply with all applicable requirements of the Uniform Fire Code and the adopted policies of the East Contra Costa Fire Protection District (ECCFPD). The City's Building Division shall review the building plans to ensure compliance.
30. Prior to building permit issuance, the Permittee shall provide an adequate and reliable water supply for fire protection with a minimum fire flow to the satisfaction of ECCFPD and the City of Brentwood.
31. The Permittee shall inform and notify prospective buyers in writing as prescribed by the City's Right to Farm Ordinance, prior to purchase, about existing and on-going agriculture activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the Brentwood area is an agriculture area subject to ground and aerial application of chemicals and early morning or nighttime farm operations which may create noise, dust, etc. The language and format of such notification shall be reviewed and approved by the Community Development Director prior to recordation of the final map. Each disclosure statement shall be acknowledged with the signature of each prospective buyer.



32. The Developer shall install bus turnouts on both eastbound and westbound Sand Creek Road at the intersection of Sand Creek Road and San Jose Avenue and Sand Creek Road and near Sand Creek on Parcel "A" in coordination with Tri Delta Transit to the satisfaction of the Director of Public Works concurrent with Sand Creek Road extension improvements. These bus turnout locations shall also include bus shelters to the satisfaction of the Director of Public Works.
33. All mitigation measures identified in the Final Environmental Impact Report and Mitigation and Monitoring Plan are hereby incorporated into these conditions of approval.